

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KARKANIAS RESEARCH, LLC d/b/a/ CYTIRA,
and GEORGE KARKANIAS, a/k/a CYTIRA, INC.

Plaintiffs,

-against-

LIFESPAN BIOSCIENCES, INC.,

Defendant X

DECLARATION OF
MALCOM AN IN REPLY
TO PLAINTIFF'S OPPOSITION TO
DEFENDANT LIFESPAN'S
MOTION TO DISMISS COMPLAINT
OR, IN THE ALTERNATIVE, TO
TRANSFER VENUE

I, Malcom An, declare as follows:

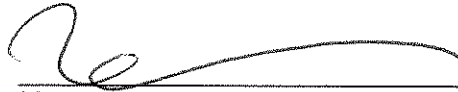
1. My current residence address is 13723 Interlake Avenue North, Seattle, WA 98133. I make this declaration in support of Defendant LifeSpan's Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss Complaint Or, In The Alternative, to Transfer Venue. I have personal knowledge and am competent to testify as a witness regarding the facts stated below.

2. I was employed by LifeSpan Biosciences, Inc. ("LifeSpan") from May 2005 to March 2007, and again from August 1, 2007 to September 12, 2007, at which time I left to take a job with the Boeing Company. I started work at LifeSpan as a tissue procurement officer and later became a client relations specialist in 2006. I worked as a client relations specialist under the supervision of Michelle Barbo regarding the administration of immunohistochemistry (IHC) research studies. I handled communications between LifeSpan's laboratory personnel and the customers' contact persons.

3. I was responsible for communications between LifeSpan and George Karkanias regarding the IHC research study being performed by LifeSpan for Mr. Karkanias. In his numerous e-mail communications and telephone conversations with me, Mr. Karkanias did not tell me that the research study being performed by LifeSpan was part of a larger National Institute of Health ("NIH") sponsored project to study diabetes-induced reproductive problems in women. Mr. Karkanias did not discuss with me the specific purpose of the research study being performed by LifeSpan or the source of funding for the research study.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18th of September, 2007 at Seattle, Washington.

A handwritten signature in black ink, consisting of a stylized 'M' followed by a long horizontal stroke.

Malcom An